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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,600	06/13/2000	Robert E. Dye	5150-38601	6393

7590   05/21/2003

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EXAMINER
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ART UNIT	PAPER NUMBER
2122	8

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No	Applicant(s)
Office Action Summary	09/617,600	DYE ET AL.
	Examiner	Art Unit	
	Ted T. Vo	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2000* .

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-102* is/are pending in the application.

4a) Of the above claim(s) *74-102* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-73* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *74-102* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☒ Interview Summary (PTO-413) Paper No(s). _8_ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3,5,6* .	6) ☐ Other: .

DETAILED ACTION

1.   This action is in response to the communication filed on 10/23/2000 and 11/12/2002.

Claims 1-102 are pending in the application.

Claims 1-73 are examining. Claims 74-102 are withdrawn from examination.

Election/Restrictions

2.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-73 are drawn to a method for remotely accessing a graphical program using

internet connection, classified in class 717, subclass 176.

II.   Claims 74-102 are drawn to a method to execute and display a portion of graphical

programming, classified in class 717, subclass 105.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are unrelated. Inventions are unrelated if it can be shown that they are not disclosed

as capable of use together and they have different modes of operation, different functions, or different

effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention I has a separate utility for

establishing a network connection and remote accessing, the invention II has a separate utility for

execution a portion of a graphical program and transferring the output of execution.

Because these inventions are distinct for the reasons given above and have acquired a separate

status in the art as shown by their different classification, restriction for examination purposes as indicated

is proper.

During a telephone conversation with applicant's representative on 5/13/03 a provisional election

was made **without traverse** to prosecute the invention of group I, claims 1-73. Affirmation of this election

must be made by applicant in replying to this Office action. Claims 74-102 are withdrawn from further

consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-73 are rejected under 35 U.S.C. 102(b) as being anticipated by **Shaheen et al.,**

"Remote Laboratory Experimentation", 1998.

Given the broadest reasonable interpretation of followed claims in light of the specification.

<u>As per claim 1</u>: Regarding claim limitation:

"A method for remotely accessing a graphical program, the method comprising:

Receiving information specifying a remote computer; receiving information specifying a graphical program

on the remote computer; (see page 1326, second column, fifth paragraph)*; connecting to the remote*

computer (The connection between LabVIEW Server and client, see page 1327, second column, fifth

paragraph)*, where said connecting comprises passing information specifying the graphical program to the*

remote computer), receiving a description of user interface associated with the graphical program (see

pages 1328-129, four steps on section 2.3, Server with push animation method provides a client a

dynamic image updated for monitoring and control)*; displaying a user interface based on the description*

received (Displaying output, page 1328, second column, paragraph started with "The output data...")*";*

Shaheen discusses remote accessing via a network that allows a user to display a remote

execution in his computer (see page 1328, first column, 4. Upload the data ouput). The remote execution

is to perform a remote experiment provided by a server connecting to PC with LabVIEW execution

environment. The web connection to the LabVIEW server is performed via a web browser and web

developers tool-kit, and in the real-time manner so that it allows a user to interact remotely with the

experiment using his computer (see section 1 page 1326, and section 2, pages 1327-1328)

As per claim 2: LabVIEW Server loads client requests and starts execution (see abstract and see page 1327, first column, section 2.1, step 5).

As per claim 3: See page 1327, section 2.1, steps 5-6.

As per claim 4: See page 1327, section 2.1, step 1.

As per claim 5: See page 1327, section 2.1, steps 6-7.

As per claim 6: See page 1327, section 2.1, step 7, new input.

As per claim 7: See page 1327, section 2.1, step 5.

As per claim 8: See page 1327, section 2.1, step 5.

As per claims 9-10: Claims are inherent in the web connection, specified in a request from a client computer (page 1326, second column, fifth paregraph), and specified in HTTP (page 1327, second column, fifth paragraph).

As per claim 11: Claim is inherent in the display in a browser which prompts a user with a hyperlink (see page 1327, section 2, step 6). The hyperlink provides the user a data file downloaded from an ftp-site to form a remote access protocol. The remote access allows the user to input parameters to interact his LabVIEW experiment (see page 1327, section 2, step 7). The remote experiment provides graphical output generated by LabVIEW to upload to the client (see page 1327, section 2, steps 4-5).

As per claim 12:

Regarding limitations:

Executing the graphic program (See LabVIEW server, and LabVIEW programming environment, page 1236)

Establishing a network connection with a first client computer (LabVIEW Server and client);

Receiving a request from the first client computer for viewing the output of a graphical program;

sending a description of the graphical program out put to the first client computer, in response to receiving the request from the first client (See page 1327, section 2.1, second column, third and fourth paragraphs);

As per claim 13: See page 1327, section 2.1, step 7.

As per claim 14: Regarding wherein graphical program, see page 1326, LabVIEW programming. Regarding wherein said sending a description; see page 1327, section 2.1, step 6. Regarding wherein the first client computer, see page 1327, second column, fourth paragraph.

As per claim 15: Being Inherent from the act that is done by a server network, where a server provides all connection to its clients.

As per claim 16: Claim is inherent in interactive action of the experiment that allows reloading refreshing actions for real time monitoring and control (see page 1329, first column, step 4 of section 2.3).

As per claims 17-18: Gives the same reason as in claim 16, where claim is inherent a gate way that receives a queue of requests from clients and pass each request to executed engine (see page 1327, section 2.1, steps 4-5).

As per claim 19: See reasons set forth in connecting to claim 1.

As per claim 20: Shaheen's system is included with a so-called 'LabVIEW server', which is a server computer connected to an experimental setup included with a PC run with LabVIEW environment (see page 1326), and a remote client computer within a university (See pages 1327-128, section 2). Shaheen's system provides a user to remotely access the LabVIEW graphical execution by using all availabilities of Internet connection and the help of Internet developer toolkit provided to the PC and the client (See pages 1327-128, section 2). The experiment is performed at the remote PC (see pages 1327-128, section 2), and it provides the display to the client at the university using the LabVIEW server. Shaheen's system reads all the claim limitations which appear to be Internet establishment of a client computer and a graphical environment server.

As per claim 21: Regarding client software; see page 1328, second column, particularly see 'parameters', 'submits', 'user remotely operates', etc. Regarding server software; see page 1328, first column, steps 4 and 5.

As per claim 22: See the data file first downloaded by the client; this data file allows the user to have an entry form (page 1327, second column, steps 6-7).

As per claim 23: The entry form provides interactive communication between the client and the remote experimentation (page 1327, second column).

As per claim 24: Claim is inherent from the interactive communication between the client and the remote experimentation performed from the LabVIEW server and the experimentation.

As per claim 25: Claim is inherent from the interactive communication between the client and the remote experimentation performed from the user.

As per claim 26: Inherent in Internet developers tool-kit.

As per claim 27: Inherent in the LabVIEW server.

As per claim 28: The claim limitation has the functionality corresponding to claim 12. See reasons set forth in connecting to the rejection of claim 12.

As per claim 29: The claim limitation has the functionality corresponding to claim 13. See reasons set forth in connecting to the rejection of claim 13.

As per claim 30: The claim limitation has the functionality corresponding to claim 14. See reasons set forth in connecting to the rejection of claim 14.

As per claim 31: The claim limitation has the functionality corresponding to claim 16. See reasons set forth in connecting to the rejection of claim 16.

As per claim 32: The claim limitation has the functionality corresponding to claim 15. See reasons set forth in connecting to the rejection of claim 15.

As per claim 33:

Regarding claim limitation, "Executing the graphical program on a first computer", see Section 1 (page 1326).

Regarding claim limitation, "Providing information regarding the user interface of graphical program to a second computer during said execution", see LabVIEW programming environment with inter developers tool-kit (page 1326), and see data file, entry form (page 1327).

Regarding claim limitation, "Display the user interface of graphical program in the second computer after said providing", the user uses a browser which provides Internet access to view the entry form (page 1327, second column, second paragraph).

As per claim 34: See abstract and see page 1327, first column, section 2.1, step 5.

As per claim 35: Claim 35 is inherent in client/server, where each in a plurality of computers is a client and the first computer is the PC or the LabVIEW server.

As per claim 36: See page 1327, section 2.1, step 2.

As per claim 37: See page 1327, second column, section 2.1, step 7; particularly, see parameters and submits.

As per claim 38: See page 1326, section 1.

As per claim 39: Shaheen discloses LabVIEW programming environment (section 1) in the Experimental setup.

As per claim 40: Shaheen discloses LabVIEW programming environment (section 1) that provides the output to a client computer (section 2.1).

As per claims 41-44: The connection of LabVIEW server and client is in an Internet network. Therefore, it comprises URL.

As per claim 45: It is the further claiming of claim 43, it is inherent in 'internet' claimed in claim 43, where Shaheen discloses the user using the internet to access the graphical execution remotely.

As per claim 46: See page 1328, section 2.2, step 6.

As per claim 47: See page 1328, section 2.2, second column.

As per claim 48: See page 1328, section 2.2; particularly see step 5, 'generate a graph of data', see section 2.3, 'using server push animation method'.

As per claim 49: See page 1326, section 1, 'LabVIEW programming environment with Internet Developers tool-kit'.

As per claim 50: See page 1327, second column, fifth paragraph, 'Hyper text Transfer Protocol'.

As per claim 51: See page 1328, section 2.3, 'Remote Real-time Monitoring'.

As per claim 52: See page 1326, section 1, 'LabVIEW programming environment with Internet Developers tool-kit'.

As per claim 53: Claim 53 has the claim functionality corresponding to the claim 33: See reasons set forth in connecting to the rejection of claim 33.

As per claim 54: See page 1327, section 2.1, steps 6-7.

As per claim 55: See page 1327, section 2.1, steps 4-5.

As per claims 56-57: The connection of LabVIEW server and client is in an Internet network. Therefore, it comprises URL.

As per claim 58: The connection of LabVIEW server and client is in an Internet network.

As per claim 59: The connection of client to LabVIEW server is in an Internet network. Therefore, it comprises an Internet browser.

As per claim 60: Claim 60 has the claim functionality corresponding to the claim 45: See reasons set forth in connecting to the rejection of claim 45.

As per claim 61: Claim 61 has the claim functionality corresponding to the claim 46: See reasons set forth in connecting to the rejection of claim 46.

As per claim 62: Claim 62 has the claim functionality corresponding to the claim 47: See reasons set forth in connecting to the rejection of claim 47.

As per claim 63: Claim 63 has the claim functionality corresponding to the claim 48: See reasons set forth in connecting to the rejection of claim 48.

As per claim 64: Claim 64 has the claim functionality corresponding to the claim 49: See reasons set forth in connecting to the rejection of claim 49.

As per claim 65: Claim 60 has the claim functionality corresponding to the claim 51: See reasons set forth in connecting to the rejection of claim 51.

As per claim 66: Claim 66 has the claim functionality corresponding to the claim 52: See reasons set forth in connecting to the rejection of claim 52.

As per claim 67: Claim 67 is inherent in client/server, where each in a plurality of second computers is a client and the first computer is the PC or the LabVIEW server.

As per claim 68: Claim 68 has the claim functionality corresponding to the claim 33: See reasons set forth in connecting to the rejection of claim 33.

As per claim 69: Claim 69 has the claim functionality corresponding to the claim 45: See reasons set forth in connecting to the rejection of claim 45.

As per claim 70: Claim 70 has the claim functionality corresponding to the claim 46: See reasons set forth in connecting to the rejection of claim 46.

As per claim 71: Claim 71 has the claim functionality corresponding to the claim 47: See reasons set forth in connecting to the rejection of claim 47.

As per claim 72: Claim 72 has the claim functionality corresponding to the claim 48: See reasons set forth in connecting to the rejection of claim 48.

As per claim 73: Claim 73 is inherent in client/server, where each client software in a plurality of client computer system is a software used by a user in a client computer who request remote access to the PC or the LabVIEW server.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gillet et al., "Telepresence: An Opportunity to develop Real-World Experimentation in Education", 1997.

Johnston et al., "High-Speed Distributed Data Handling for On-Line Instrumentation Systems", 1997.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone numbers for this Group are:

Official: (703) 746-7239.

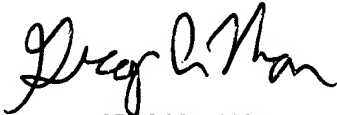After Final: (703) 746-7238.

Non-Official: (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be

directed to the Group receptionist whose telephone number is (703) 305-3900.

TTV
May 15, 2003

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